

The Gazette of India

PUBLISHED BY AUTHORITY

No. 49] NEW DELHI, SATURDAY, DECEMBER 3, 1955

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 25th November, 1955 :

Issue No.	No. and date	Issued by	Subject
344	S.R.O. 3516, dated the 19th November 1955.	Ministry of Finance	Section 91B of the Indian Companies Act, 1913 shall not apply to Messrs. Caltex Oil Refining (India) Ltd., Bombay.
345	S.R.O. 3517, dated the 21st November 1955.	Election Commission, India.	Corrections to the Delimitation Commission's Final Order No. 27, relating to the State of Bombay.
346	S.R.O. 3518, dated the 22nd November 1955.	Ministry of Finance (Revenue Division).	Amendment made in the notification No. 13 Customs, dated the 28th February 1953.
347	S.R.O. 3519, dated the 22nd November 1955.	Ministry of Food and Agriculture.	Fixation of minimum price of Sugarcane during 1955-56 crushing season.
348	S.R.O. 3520, dated the 23rd November 1955.	Ministry of Finance (Revenue Division).	Exemption of certain denomination of trunk pistons from so much of customs duty leviable thereon.
	S.R.O. 3521, dated the 23rd November 1955.	Ditto	Amendment made in the notification No. 45-Customs, dated the 23rd October 1948.
349	S.R.O. 3564, dated the 25th November 1955.	Ministry of Commerce and Industry.	The Central Government authorises Shri Tulsi Das Mundra to take over the management of the Padrauna Raj Krishna Sugar Works Limited.
	S.R.O. 3565, dated the 25th November 1955.	Ditto	The Central Government authorises Shri Tulsi Das Mundra to take over the management of the Jagdish Sugar Mills Limited.

Issue No.	No. and date	Issued by	Subject
350	S.R.O. 3566, dated the 25th November 1955.	Ministry of Finance.	Certain securities as approved securities for the purposes of the Insurance Act, 1938.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders Issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

ELECTION COMMISSION, INDIA

New Delhi, the 25th November 1955

S.R.O. 3574.—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the persons whose names and addresses are given below, as notified under notification No. MD-P/55(8)BYE, dated the 8th November, 1955 have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri G. A. Vadivelu, S/o Shri Venkatachala Naidu, A. Gollahalli, Dharma-puri Taluk.

Shri M. Surendran, C/o Praja Socialist Party Office, Mettur Dam.

[No. MD-P/55(7)BYE/13517.]

By order,

P. S. SUBRAMANIAN, Secy.

MINISTRY OF LAW

New Delhi, the 24th November 1955

S.R.O. 3575[Contracts/Am(1)].—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Law, No. S.R.O. 3442, dated the 2nd November, 1955, relating to the execution of contracts and assurances of property, namely:—

In Part XVIII of the said notification, which relates to the Ministry of Production, after item 6, the following item shall be added, namely:—

“7. All contracts and agreements relating to the All-India Khadi and Village Industries Board; by the Office Secretary, All-India Khadi and Village Industries Board.”

[No. F. 25(4)/55-G.]

V. S. JETLEY, Dy. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi-2, the 24th November 1955

S.R.O. 3576.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendment

in the notification of the Government of India in the late Home Department, No. 9/2/33-Ests. dated the 9th January, 1934, namely:—

In the Schedule to the said notification, under the heading 'Home Department', the following sub-heading and entries thereunder shall be inserted, namely:—

"National Fire Service College Rampur

Senior Instructors (Gazetted), Junior Instructors (non- gazetted).	Secretary, Ministry of Home Affairs.	Commandant	(1)
		Secretary, Ministry of Home Affairs	All."

[No. 7/24/55-Ests(A).]

S.R.O. 3577.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendment in the notification of the Government of India in the late Home Department, No. F. 9/2/33-Ests. dated the 9th January 1934, namely:—

In the Schedule to the said notification, the following heading and the entries thereunder shall be added, namely:—

**OFFICE OF THE COMMISSIONER FOR SCHEDULED CASTES AND
SCHEDULED TRIBES, NEW DELHI**

Private Secretary to the Commissioner for Scheduled Castes and Scheduled Tribes (Gazetted), Research Officers (Gazetted) and Assistants (Non-gazetted).	Commissioner for Scheduled Castes and Scheduled Tribes.	Commissioner for Scheduled Castes and Scheduled Tribes.	All
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Regional Offices at Shillong, Ranchi, Nagpur, Baroda, Madras and Visakhapatnam.

Superintendent (Non-Gazetted)	Commissioner for Scheduled Castes and Tribes.	Commissioner for Scheduled Castes and Scheduled Tribes.	All
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[No. 7/25/55-I-Ests(A).]

S.R.O. 3578.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendment in the rules published with the notification of the Government in the late Home Department, No. F. 9-19/30-Ests. dated the 27th February, 1932, namely:—

In the Schedule to the said rules, the following heading and the entries thereunder shall be added, namely:—

**OFFICE OF THE COMMISSIONER FOR SCHEDULED CASTES AND
SCHEDULED TRIBES, NEW DELHI.**

<i>Class III posts</i> Cashier-cum-Adminis- tration clerk, Upper Division and Lower Division clerks.	Assistant Commissioner for Scheduled Castes and Scheduled Tribes.	Assistant All Commissioner for Scheduled Castes and Scheduled Tribes.	Commissioner for Scheduled Castes and Scheduled Tribes.
<i>Class IV posts</i> Daftries, Jamadars Frash, Peons and Sweeper.	Assistant Commissioner for Scheduled Castes and Scheduled Tribes.	Assistant All Commissioner for Scheduled Castes and Scheduled Tribes.	Commissioner for Scheduled Castes and Scheduled Tribes.

[No. F. 7/25/55-II. Ests. (A).]

K. THYAGARAJAN, Under Secy.

New Delhi-2, the 26th November 1955

S.R.O. 3579.—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878) the Central Government is pleased to exempt officials accompanying His Majesty the King of Saudi Arabia scheduled to arrive in India on the 26th November, 1955, from all prohibitions and directions contained in the said Act in respect of the arms and ammunition carried by them, if any, for the duration of their stay in this country.

[No. 9/163/55-Police IV.]

C. P. S. MENON, Under Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

INCOME-TAX

New Delhi, the 28th November 1955

S.R.O. 3580.—The Inter-Departmental Committee for the collection of voluntary contributions for the plywood industry, having been approved by the prescribed authority for the purpose of clause (xiii) of sub-section (2) of section 10 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby makes the following further amendment in the list appended to the notification of the Government of India in the late Finance Department (Revenue Division) No. 34—Income-tax dated the 23rd November, 1946, namely:—

In the said list, under the heading "Institutions" after item No. 29, the following item shall be inserted, namely:—

"30. Inter-Departmental Committee for the collection of voluntary contributions for the plywood industry".

[No. 91.]

P. N. DAS GUPTA, Dy. Secy.

CENTRAL EXCISES

New Delhi, the 3rd December 1955

S.R.O. 3581.—In exercise of the powers conferred by sub-rule (1) of the rule 8 of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby exempts from the duty of excise leviable under Item 22 of the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944), all mixtures of the nature of pigments or dry colours prepared by the admixture of goods which have been exempted under the notifications of the Government of India in the Ministry of Finance (Revenue Division), No. 23—Central Excises dated the 29th April 1955 and No. 24—Central Excises dated the 9th May 1955, from the duty of excise leviable on such goods:

Provided that nothing in this notification shall apply to any such mixture, if—

- (i) any binding agent or oil is present therein; or
- (ii) it is a paste; or
- (iii) any excisable goods, other than those exempted under the notifications aforesaid, are present therein.

[No. CER 8(4)/55.]

W. SALDANHA, Dy. Secy.

ORDER

DAUGHTEROUS DRUGS

New Delhi, the 23rd November 1955

S.R.O. 3582.—In exercise of the powers conferred by section 31 of the Opium Act, 1857 (XIII of 1857), the Central Government hereby authorizes cultivation of poppy without licence at the Botanical Gardens, Lucknow.

[No. 10.]

(Sd.) Illegible, Under Secy.

CENTRAL BOARD OF REVENUE**CUSTOMS**

New Delhi, the 24th November 1955

S.R.O. 3583.—In exercise of the powers conferred by clause (f) of section 11 of the Sea Customs Act, 1878 (VIII of 1878), as applied to the State of Pondicherry, the Central Board of Revenue hereby makes the following amendment in its notification No. 112-Customs, dated the 16th July 1955, namely:—

In the said notification, for the words "Government houses" the words "the Godown" shall be substituted.

[No. 187.]

W. SALDANHA, Secy.

MINISTRY OF COMMERCE AND INDUSTRY**RUBBER CONTROL**

New Delhi, the 23rd November 1955

S.R.O. 3584.—In exercise of the powers conferred by clause (c) of sub-section (3) of section 4 of the Rubber Act, 1947 (XXIV of 1947) read with sub-rule (3) of Rule 3 of the Rubber Rules, 1955, the Central Government hereby nominates Shri N. Sankara Menon, Director of Agriculture, Trivandrum, to be a member of the Rubber Board in the vacancy caused by the resignation of Shri C. Thomas, IAS and directs that the following amendment shall be made in the notification of the Government of India, Ministry of Commerce and Industry, No. S.R.O. 1765, dated the 10th August, 1955, namely:—

In the said Notification, for the entry

"(3) Shri C. Thomas, IAS, Director of Agriculture, Trivandrum,
—nominated by the Government of Travancore-Cochin."

the following entry shall be substituted, namely,

"(3) Shri N. Sankara Menon, Director of Agriculture, Trivandrum,
—nominated by the Government of Travancore-Cochin."

[No. 20(4) Plant/54.]

P. V. S. SARMA, Dy. Secy.

RESOLUTION

New Delhi, the 3rd December 1955

S.R.O. 3585.—Crude benzol which is a by-product of the coal carbonisation industry, contains important aromatic hydro-carbons *viz.*, benzene and toluene. The current industrial demand for the derivatives of benzol is rather limited. During the recent years, however, certain projects have been completed or have been taken in hand, which require benzene and toluene as raw materials. The Government of India have, therefore, been anxious to step up the production of benzol, benzene and toluene, and to increase their use, particularly for industrial purposes.

2. At present the chief and immediate market for benzol (and benzene) is in the motor fuel industry, where they can be blended with petrol to the extent of 20%. The motor fuel industry, however, does not afford a satisfactory outlet even for the existing small production, because the cost of recovery of benzol (or benzene) plus an excise duty of 15 annas and 9 pies per gallon after paying transport charges to the Railways and handling charges to the Oil Companies, exceeds the wholesale selling price of petrol. Though there is a full rebate of the excise duty on benzene when used for industrial purposes, the demand for industrial purposes is still small. There is a general belief that production will not be stimulated unless conditions are created for the utilisation of a tangible portion of it by the motor fuel industry as an admixture with petrol, while the demand for industrial purposes is being built up.

3. This problem was considered at a meeting convened by the Planning Commission in December 1954. It was agreed there that a production subsidy for motor benzol should be offered as an incentive for expanding the production facilities, provided any one claiming the subsidy had the necessary rectification plant for the production of benzene and toluene, as and when required. The production subsidy would be independent of the rebate of excise duty on benzene for industrial purposes.

4. The question of the exact quantum of subsidy, to be paid to manufacturers who have installed, or are prepared to instal, plant for distillation of crude benzol into its end products such as benzene, toluene etc., called for careful consideration. It was remitted to a small working group consisting of the representatives of the Ministry of Defence, Commerce & Industry, Finance (C.B.R.) and Finance (Expenditure) and the Chief Costs Accounts Officer. The main recommendations of the Working Group are:—

- (1) A subsidy of one anna per gallon of detoluated Benzol sold as Motor Benzol (including Benzene sold as such) be paid to the manufacturers.
- (2) The aforesaid subsidy need be paid only to those manufacturers who have installed, or make arrangements to instal scrubbing equipment to produce all the Crude Benzol possible from their coke ovens and also the requisite plant for the further distillation of the entire Crude Benzol to Benzene, Toluene, Xylene, etc.
- (3) The proposed subsidy should in the first instance be granted for one year, position being reviewed towards the end of that period, both in regard to the quantum of subsidy, and the extent to which the facilities should be extended.

5. The Government have accepted these recommendations and will soon translate them into action.

[No. CI-21(1)/55.]

B. B. SAKSENA, Jt. Secy.

TEA CONTROL

New Delhi, the 30th November 1955

S.R.O. 3586.—In exercise of the powers conferred by sub-section (1) of section 50 of the Tea Act, 1953 (29 of 1953), the Tea Board hereby makes the following amendments in the Tea Board By-Laws, 1955, published with a notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 1390, dated 22nd June, 1955, the said amendments having been confirmed by the Central Government as required by sub-section (2) of the said section, namely:—

In the said by-laws—

(I) In by-law 15 (iii), for the words "Assistant Secretary", the words "Controller of Licensing" shall be substituted.

(II) In by-law 28(2), for the words "Publicity Superintendent, Accounts Superintendent, Office Superintendent, Internal Audit Officer," the words "Publicity Officer, Assistant Accounts Officer, Section Officer, Finance Officer" shall be substituted.

(III) In by-law 28(4), for the words, brackets and figure "all officers subordinate to him other than officers mentioned in Clause (2)", the words, brackets and figure "all employees subordinate to him other than officers mentioned in Clause (2)" shall be substituted.

(IV) In by-law 40—

(i) for the words and brackets "Tea Board (Quota Licensing) Account", the words and brackets "Tea Board (Joint Controller) Account" shall be substituted;

(ii) for the words and brackets "the Board (Quota Licensing Account)", the words "the said account" shall be substituted.

(V) In by-laws 41 and 45, for the words and brackets "Tea Board (Quota Licensing Account)", the words and brackets "Tea Board (Joint Controller) Account" shall be substituted.

[No. F. 32(5)Plant/54.]

P. V. RAMASWAMY, Under Secy.

MINISTRY OF HEALTH**CORRIGENDUM**

New Delhi, the 22nd November 1955

S.R.O. 3587.—PFA/Sec.23/Am(1).—In the Government of India, Ministry of Health Notification No. S.R.O. 2106, dated the 12th September, 1955, published at pages 2089-2107 of the Gazette of India Extraordinary, Part II—Section 3, dated the 24th September, 1955:—

Rule 1(3), line 1 and line 3, after the words 'contained in' insert "Part III—Appendix 'B'—item A.12 Margarine".

[No. PFA/Sec.23/F.41-56/55-PH.]

R. NARASIMHAN, Under Secy.

MINISTRY OF TRANSPORT**(Transport Wing)****PORTS**

New Delhi, the 22nd November 1955

S.R.O. 3588.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 4 of the Indian Ports Act, 1908 (XV of 1908), read with sub-section (3) of section 1 of the said Act, the Central Government hereby specially extends the provisions of section 32 of the said Act to the limits of Port of Kandla as declared in the notification of the Government of India in the Ministry of Transport, No. 19-P(82)/48-I, dated the 31st January, 1950.

[No. 3-PH(155)/55.]

A. V. SUBRAMANIA IYER, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 24th November 1955

S.R.O. 3589.—In pursuance of rule 9 read with Schedule II and Schedule III of the Resettlement of Displaced Persons (Land Acquisition) (Delhi State) Rules, 1951, the President hereby authorises the Secretary (Relief and Rehabilitation) to the Delhi State Government, to grant permission for the transfer and assignment of the interests in land of lessee or purchaser, in land leased out or sold to him under the Resettlement of Displaced Persons (Land Acquisition Act) 1948 (LX of 1948).

[No. RHB/101(4)/55.]

GAJENDERA SINGH, Dy. Secy.

MINISTRY OF COMMUNICATIONS

New Delhi, the 22nd November 1955

S.R.O. 3590.—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby appoints Shri P. C. Bhattacharyya, Secretary to the Government of India, Ministry of Finance, Department of Revenue and Expenditure, as a member of the Air India International Corporation vice Shri M. V. Rangachari, resigned.

[No. 3-CA(33)/55.]

B. N. JHA, Secy.

New Delhi, the 22nd November 1955

S.R.O. 3591.—In exercise of the powers conferred by section 30 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby appoints

Shri A. K. Roy, Chairman, Central Board of Revenue, New Delhi, as a member of the Air Transport Council, *vice* Shri J. Dayal resigned.

[No. 18-CAG(5)/53.]

T. R. MANTAN, Dy. Secy.

(P. & T. Department)

New Delhi, the 25th November 1955

S.R.O. 3592.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act 1885 (XIII of 1885), the Central Government hereby makes the following amendments in the Indian Telegraph Rules, 1951 namely:—

In the opening paragraph of sub-rule (1) of rule 16 of the said Rules—

- (i) the words "railway or" shall be omitted;
- (ii) for the words "foreign telegrams and Radio-telegrams, shall be accepted at a Government Telegraph Office", the words "foreign telegrams including letter telegrams and radio-telegrams shall be accepted at Government telegraph offices or at such railway telegraph offices as may, from time to time, be specified by the Director General" shall be substituted.

[No. T. 110/53/4(A).]

S.R.O. 3593.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby makes the following amendment in the Indian Telegraph Rules, 1951, namely:—

In sub-rule (1) of rule 439 of the said Rules, for the second and third provisos, the following proviso shall be substituted namely:—

"Provided further that:

- (i) The Director-General may prescribe a charge for the use of the line between any two exchanges, the radial distance between which does not exceed 30 miles, at a rate lower than the rate prescribed above;
- (ii) The facilities provided in rules 421 and 423 shall not be available in such cases; and
- (iii) The Director-General may in respect of any or all of such cases, withdraw the facility of calls falling under (x) in rule 420".

[No. PHB.112-50/51.]

V. M. BHIDE, Dy. Secy.

MINISTRY OF PRODUCTION

New Delhi, the 21st November 1955

S.R.O. 3594.—In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (XII of 1952), the Central Government hereby appoints Shri P. M. Nayak, I.C.S., Coal Commissioner with the Government of India, to be the Chairman of the Coal Board with effect from the 28th October, 1955, *vice* Shri R. K. Ramadhyani, I.C.S., resigned.

[No. 19-CI(11)/55.]

S. JAGANNATHAN, Joint Secy.

MINISTRY OF LABOUR

New Delhi, the 23rd November 1955

S.R.O. 3595.—The following draft of a further amendment in the Industrial Disputes (Central) Rules, 1947, which the Central Government proposes to make in exercise of the powers conferred by section 38 of the Industrial Disputes Act,

1947 (XIV of 1947), is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration after the 2nd January 1956.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft amendment

For the first proviso to Rule 36 of the said Rules, the following shall be substituted, namely:—

“Provided that where more than half the workmen are members of the union or any one of the unions, no such division shall be made, but such a union shall not be entitled to sponsor candidates belonging to groups, categories or classes of workmen which are not eligible for its membership”.

[No. LR-1(62)/55.]

New Delhi, the 24th November 1955

S.R.O. 3596.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby appoints, for a period of one year, the officers mentioned in column 1 of the Table annexed hereto as conciliation officers for the quarrying industry in the area specified in the corresponding entry in column 2 of the said table.

TABLE

<i>Designation of Officer</i> 1	<i>Territorial Jurisdiction</i> 2
1. Labour Officer, Patiala	State of Patiala and East Punjab States Union.
2. Senior Labour Officer, Western Circle, Gulbarga.	State of Hyderabad.
3. Labour Commissioner, Bihar	State of Bihar.
4. Deputy Labour Commissioner, Bihar	State of Bihar.
5. Assistant Labour Commissioner, Patna Division, Patna.	Shahabad District in the State of Bihar.
6. Assistant Labour Commissioner, Chotanagpur Division, Jamshedpur.	Ranchi, Palamu, Manbhum and Singhbhum Districts in the State of Bihar.
7. Superintendent of Labour, Patna Division, Patna.	Shahabad District in the State of Bihar.
8. Superintendent of Labour, Chotanagpur Division, Jamshedpur.	Ranchi, Palamu, Manbhum and Singhbhum Districts in the State of Bihar.
9. Labour Officer, Shahabad, Arrah	Shahabad District in the State of Bihar.
10. Labour Officer, Manbhum, Dhanbad	Manbhum District in the State of Bihar.
11. Labour Officer, Singhbhum, Chaibasa	Singhbhum District in the State of Bihar.
12. Labour Officer, Ranchi-Cum-Palamau Districts, Ranchi.	Ranchi and Palamu Districts in the State of Bihar.
13. Conciliation Officer, Jaipur Division, Jaipur.	Jaipur Division in the State of Rajasthan.
14. Conciliation Officer, Kotah Division, Kotah.	Kotah Division in the State of Rajasthan.
15. Deputy Commissioner of Labour (Administration), Bombay State.	State of Bombay.
16. Assistant Labour Commissioner (Administration), Ahmedabad.	Kaira District in the State of Bombay.
17. Assistant Labour Commissioner and Conciliation Officer, Jamnagar.	State of Saurashtra.
18. Commissioner of Labour, Andhra	State of Andhra.
19. Assistant Commissioner of Labour, Andhra.	State of Andhra.
20. Labour Officer, Guntur	Guntur and Nellore Districts in the State of Andhra.
21. Labour Officer, Vijayawada, Backinghamper Post Office.	Kistna and West Godavary Districts in the State of Andhra.

[No. LR. I (25)/55.]

S.R.O. 3597.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the Bombay Mutual Life Assurance Society, Limited, Bombay, and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 23 OF 1954

PRESENT

Shri P. S. Bindra, B.A., LL.B.—*Chairman.*

PARTIES

The employers in relation to the Bombay Mutual Life Assurance Society Limited,

AND

Their workmen in the Head Office and the Branches.

APPEARANCES

For the employers:

Shri N. A. Palkhiwala, Advocate,

AND

M/s. Manilal Kher Ambalal & Co. Solicitors.

For the workmen:

Shri K. T. Sule.

Shri S. D. Samant.

Shri N. K. Patkar.

Shri P. B. Patil.

Shri S. N. Bhowmik.

Shri K. H. Deodhar.

AWARD

The Government of India, in the Ministry of Labour by Order No. LR.90(31)/54, dated 20th December 1954 and Order No. LR.2(6)/55, dated 11th March 1955 has referred under Section 10 of the Industrial Disputes Act, 1947 to this Tribunal the industrial dispute between the employers in relation to the Bombay Mutual Life Assurance Society Limited and their workmen in the Head Office and the Branches in respect of Bonus for the years 1952 and 1953.

2. Formal notices were issued to the parties and the parties have filed their respective written statements.

3. At the outset Shri K. T. Sule counsel for the workmen made a statement admitting that during the years in dispute (1952 and 1953) the expense ratio has been exceeded by the Society but contended that the case of the workmen is that they have got nothing to do with the expense ratio, and they are entitled to claim the bonus irrespective of the provisions of the Insurance Act, 1938.

4. The Insurance Act, 1938 has laid down a condition regarding the payment of bonus in clause VII of Section 31A which runs as follows:

“(1) Notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), or in any contract or agreement, no insurer shall after the expiry of one year from the commencement of the Insurance (Amendment) Act, 1950—

(a) be managed by a company or a firm, or

(b) be directed or managed by, or employ as manager or officer or in any capacity, any person whose remuneration or any part thereof takes the form of commission or bonus or a share in the valuation surplus in respect of the life insurance business of the insurer, or

(c) be directed or managed by, or employ as manager or officer or in any capacity, any person whose remuneration or any part thereof takes the form of commission or bonus in respect of the general insurance business of the insurer:

Provided that nothing in this sub-section shall be deemed to prohibit—

(vii) the payment of bonus in any year on a uniform basis to all salaried employees or any class of them by way of additional remuneration,

such bonus, in the case of any employee, not exceeding an amount the equivalent of his salary for a period which, in the opinion of the Central Government, is reasonable having regard to the circumstances of the case."

5. As many references were made by several insurers to the Central Government regarding the quantum of bonus, the Controller of Insurance issued circular letter No. 53-IC(1)/51, dated 20th November 1952 (marked Exhibit R/1) in which it is laid down that it is the responsibility of each insurer to decide the rate of bonus he can afford to pay to his staff, keeping in view the provisions of sections 40B and 40C of the Insurance Act. It is further laid down that no insurer whose life insurance fund is in deficit and who has not made any profit in the preceding year in general insurance business as a whole, should pay any bonus to the staff. Subject to the above conditions, it was further opined as follows:

"(i) The Central Government will not consider any bonus upto 2 months' salary as unreasonable.

(ii) If any higher bonus had been paid by such an insurer in the previous year, then he may pay bonus at the same rate for the current year, if he thinks fit, without consulting the Central Government."

6. The above letter clearly lays down that an insurer can pay bonus to his staff provided he complies with the provisions of Sections 40B and 40C of The Insurance Act. Sections 40B and 40C lay the limitation of expenses of management in Life Insurance Business and General Insurance Business. Rule 17D specifically lays down the expense ratio which an insurer can incur. In the present case, the Society has paid $1\frac{1}{2}$ months' basic salary as bonus for the year 1952 and one month's basic salary as bonus for the year 1953. The demand of the union is that the company should pay two months' basic salary as bonus for each year. The reply of the Society is that if the amount of bonus already paid is exceeded, it will substantially increase the expense ratio and the Society is not prepared to contravene the Rules. It is admitted by the learned counsel for the union that if the Society pays any amount of bonus over and above what has already been paid, it will exceed the expense ratio laid down by the rules. So the matter is clinched and we have to see whether the workmen are justified in asking the Society to contravene the rules or whether this Tribunal is entitled to ignore the provisions of The Insurance Act and the rules made under it. It is true that the Society wanted to pay more bonus if allowed by the Controller of Insurance, as is evident from the letter of the Manager, dated 3rd September 1952 (Exhibit C attached to the written statement of the workmen) but the Controller of Insurance gave the reply dated 9th September 1952 (Exhibit 'D' attached to the written statement of the workmen) stating that the Society cannot be authorised to over-ride the provisions of Sub-section (2) of Section 40B of the Act. Thus the management was not allowed to exceed the expense ratio.

7. I have no manner of doubt that the provision of The Insurance Act and the Rules made under it are binding on this Tribunal and I have got no authority to over-ride the provisions of The Insurance Act. The learned counsel for the union has not been able to cite any authority showing that this Tribunal has got power to over-ride the provisions of The Insurance Act. He has not been able to cite any authority justifying the payment of bonus by an insurance company even if it exceeded the expense ratio. He has relied upon Reference No. 16 of 1951 which has been reported in the Gazette of India, Part II, Section 3 dated 18th April 1953, page 494. At page 503 it has been remarked as follows:—

"Issue No. (2)—Bonus.—It was urged in the statement of claim that the employees should be given bonus equivalent to three months' salary with allowances every year. The Employers in reply stated that they have been allowing bonus of one month's salary despite financial stringency but now the Insurance Amendment Act has restricted payment of bonus and the same cannot be paid without reference to the Central Government. It was further submitted that the present position of expense ratio of the company does not permit of any such extra expense. The question of bonus to be paid to the employees may be a legitimate demand because it works as an incentive but the real question for determination is as to whether insurance companies can be called upon to pay bonus to their employees on the lines of commercial concerns like banks, textile mills and other mercantile firms, and furthermore The Insurance Act permits to make such payment. The Union representative this time produced a copy of the circular whereby it was claimed that no permission of the Central Government is necessary when the bonus to be paid does not exceed an amount

equivalent to two months' salary. The circular referred to above however does not alter the position so far the statutory restriction in the grant of bonus u/s 31A (7) goes. The point for determination precisely is as to whether the Tribunal can give any award with regard to payment of bonus in relation to dispute existing between the insurance companies and their workmen. Sub-section (7) of Section 31A reads as follows:—

“(vii) the payment of bonus in any year on a uniform basis to all salaried employees or any class of them by way of additional remuneration such bonus, in the case of any employee, not exceeding in amount the equivalent of his salary for a period which, in the opinion of the Central Government, is reasonable having regard to the circumstances of the case.”

The wording “which, in the opinion, of the Central Government, is reasonable having regard to the circumstances of the case” is significant and I do not think that the Tribunal could either circumvent the statutory provision by taking the matter in his hands without referring the matter to the Central Government. It was admitted on behalf of the Employers that they have been paying previously one month's salary as bonus which appears not to have been paid this time. I would therefore recommend that the Employers should move the Central Government for the payment of at least one month's bonus which they have been paying to the employees previously.”

8. From the above it will be evident that this ruling supports my view and goes directly against the argument urged by the learned counsel for the union. Then the learned counsel for the union relied upon Reference No. 1 of 1953 reported in the Gazette of India, Part II, Section 3 dated 24-10-1953 page 1765. This is a case of retrenchment and has got nothing to do with the case of a bonus. In order to fix the salaries of the employees or to determine the mode of retrenchment, different considerations arise and expense ratio is not a bar in those cases, but in the case of bonus the expense ratio cannot be allowed to be exceeded. In the case of fixation of salaries the management has to pay the minimum wages irrespective of its capacity to pay; but such considerations do not arise regarding bonus.

9. The learned counsel for the union has also relied upon Reference No. 15 of 1951 reported in the Gazette of India Part II, Section 3, dated 31st January 1953 page 161. The question of expense ratio has been discussed at page 166 and it has been observed as follows:—

“Now on the examination of these provisions of the Insurance Act and the appreciation of the arguments for and against I have no hesitation in remarking that the argument advanced on the Union side *viz.* that expense ratio has nothing to do and demands can be met by the company irrespective of that or that it was only a device set up to deprive the employees is apparently fallacious. This is correct that abolition of agency system is the one drastic change effected in the Act but the legislation has furthermore interfered in the insurance business by fixing an expense ratio for management expenses in the interest of policy holders and the amended Act of 1950 obviously aims in achieving that object. Section 40(b) puts a limit to the expenses of management to safeguard the interest of the policyholders. The restrictions imposed by statute therefore cannot be brushed aside as argued by the employees counsel but I am of the opinion that this is not so drastic in its nature as it was sought to argue on behalf of the employers.”

10. So from the above it will be evident that none of the rulings cited by the learned counsel for the union support the case of the workmen but on the other hand, they justify the action of the management, in not exceeding the expense ratio as laid down by the law. The management has already paid bonus at the rate it can afford to pay without exceeding the expense ratio.

11. Lastly the learned counsel for the union has placed reliance upon the circular letter No. 53-IC(3)/52, dated 23rd February 1955 (Exhibit marked A/1) issued by the Controller of Insurance which is a *verbatim* copy of the letter marked R/1, except with the addition of clause 2, which runs as follows:—

“It is to be clearly understood that the foregoing will not apply to those cases where the dispute regarding bonus has been referred to a Tribunal for adjudication under the Industrial Disputes Act 1947.”

If the above letter does not apply to a case when the dispute has been referred to a Tribunal, then this letter is to be ignored and this case falls within the ambit of clause VII of Section 31A of The Insurance Act 1938 and it is for the Central

Government to decide as to what is the reasonable amount of bonus and this Tribunal has got no jurisdiction to decide as to what is the reasonable amount of bonus. At any rate, a letter issued by the Government of India cannot over-ride the provisions of The Insurance Act 1938 as a piece of legislation cannot be brushed aside by a departmental letter. The argument of the learned counsel for the union that this letter supersedes the provisions of the Insurance Act 1938 is wholly fallacious.

12. Under the circumstances, I am of opinion that the workmen are not entitled to any further amount of bonus beyond what has been paid to them.

I pass my award accordingly.

(Sd.) P. S. BINDRA, *Chairman.*

The 17th November, 1955.

Central Government Industrial Tribunal, Dhanbad.

[No. LR-90(31)/54.]

ORDERS

New Delhi, the 23rd November 1955

S.R.O. 3598.—Whereas the Central Government is of opinion that an industrial dispute exists between the Co-operative Assurance Company, Limited, and their workmen in respect of the Co-operative Assurance Company Limited Employees' Provident Fund Rules;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Lucknow constituted under section 7 of the said Act.

[No. LR. 90(5)/54-II.]

New Delhi, the 24th November 1955

S.R.O. 3599.—Whereas the management in relation to the Hindusthan Mercantile Bank Limited, Calcutta, and the Hindusthan Mercantile Bank Employees Union have jointly applied to the Central Government for reference of an industrial dispute to a Tribunal in respect of the matters set forth in the application reproduced (with enclosures) in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Union represents a majority of workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7 of the said Act.

SCHEDULE

FORM 'A'

Form of application under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 for the reference of an Industrial Dispute to Industrial Tribunal

Whereas an Industrial Dispute exists between Hindusthan Mercantile Bank Ltd., 10, Clive Row, Calcutta-1, and Hindusthan Mercantile Bank Employees' Union, 10, Clive Row, Calcutta-1, and it is expedient that the dispute should be referred for adjudication by an Industrial Tribunal, an application is hereby made under Sub-Section (2) of Section 10 of the Industrial Disputes Act, 1947, that the said dispute should be referred to an Industrial Tribunal. This application is made by the undersigned who have been duly authorised to do so by virtue of an assignment between the Hindusthan Mercantile Bank Ltd., Hindusthan Mercantile Bank Employees' Union, Bengal Provincial Bank Employees' Association and Conciliation Officer Central II, Calcutta, held on 7th March 1955.

A statement giving the particulars required under Rule 3 of the Industrial Disputes (Central) Rules 1947 is attached.

Hindusthan Mercantile Bank Ltd.

(Sd.)

Manager Head Office.

Hindusthan Mercantile Bank Employees Union.

(Sd.)

Secretary.

Bengal Provincial Bank Employees' Association.

(Sd.)

General Secretary.

Dated, the 6th April, 1955.

The Secretary to the Government of India,
Ministry of Labour.

Statement required under Rule 3 of the Industrial Disputes (Central) Rules 1947 to accompany the form of application prescribed under sub-section (2) of section 10 of the Industrial Disputes Act, 1947:—

- (a) Parties to the dispute—Hindusthan Mercantile Bank Ltd., 10, Clive Row, Calcutta.

Vs.

Hindusthan Mercantile Bank Employees' Union, 10, Clive Row, Calcutta.

- (b) Specific matters in dispute—Copy of Agreement enclosed.
(c) Total number of workmen employed in the undertaking affected—154.
(d) Estimate of the number of workmen affected by the dispute—One.
(e) Efforts made by the parties themselves to adjust the dispute—Agreement enclosed herewith.

Hindusthan Mercantile Bank Ltd., 10, Clive Row, Calcutta.

(Sd.)

Manager Head Office.

Hindusthan Mercantile Bank Employees' Union.

10, Clive Row, Calcutta.

(Sd.)

Secretary.

Bengal Provincial Bank Employees' Association,
20, Strand Road, Calcutta-1.

(Sd.)

General Secretary.

Memorandum of settlement

Present

- (1) Sri S. S. Puri, Manager Head Office, Hindusthan Mercantile Bank Ltd.
- (2) Sri Jotin Bhattacharjee, General Secretary, Bengal Provincial Bank Employees' Association.
- (3) Sri P. B. Das, President, Hindusthan Mercantile Bank Employees' Union.
- (4) Sri S. C. Acharjee, Secretary, Hindusthan Mercantile Bank Employees' Union.
- (5) Sri S. S. Imam, Conciliation Officer (Central) Calcutta-II.

Recital:

Representation from the Secretary, dated 20th January, 1955 addressed to the Conciliation Officer with regard to the alleged retrenchment of Sri H. N. Bhowmick on and from 12th January, 1955. Joint meeting of the parties to the dispute was

held in the office of the Manager Head Office in the Bank's premises. After discussion, the parties agreed as follows:

The parties to the above Industrial Dispute have agreed to apply in the prescribed manner jointly for a reference of the dispute to the appropriate Government for referring the dispute to the Tribunal under Sec. 10(2) of the Industrial Dispute Act. The reference to the Tribunal will be whether Sri H. N. Bhowmick is a 'Workman' and union can take up his case.

(Sd.) S. S. PURI,
Manager Head Office.

(Sd.) J. BHATTACHARJEE,
Union's representative.

(Sd.) P. B. DASS,

(Sd.) S. C. ACHARJEE,
Local Union.

(Sd.) SAYAD SAFDAR IMAM.

7-3-1955.

Conciliation Officer (Central) Calcutta—II.

[No. LR-100(20)/55.]

P. S. EASWARAN, Under Secy.

New Delhi, the 24th November 1955

S.R.O. 3600/ECA/7/2(i).—In exercise of the powers conferred by section 7 of the Employment of Children Act, 1938 (XXVI of 1938), and in supersession of the notification of the Government of India in the late Department of Labour No. L-3090, dated the 8th February 1940, the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:—

THE RULES

1. (1) These rules may be called the Employment of Children (Railways) Rules, 1955.

(2) They extend to the whole of India except the State of Jammu and Kashmir.

2. In these rules, unless the context otherwise requires—

(i) the "Act" means the Employment of Children Act, 1938; and

(ii) "qualified medical practitioner" means a person holding a qualification granted by an authority specified in the Schedule to the Indian Medical Degrees Act, 1916 (VII of 1916), or in the Schedules to the Indian Medical Council Act, 1933 (XXVII of 1933).

3. Every child employed under the provisions of sub-section (2) of section 3 of the Act to work in any occupation specified in clause (a) of sub-section (1) of the said section shall be allowed an interval of rest for at least twelve consecutive hours which shall include seven consecutive hours from 10 P.M. to 5 A.M.:

Provided that permission in writing to fix the seven consecutive hours other than those mentioned above, between 10 P.M. to 7 A.M. is obtained from an Inspector appointed under the Act.

4. The provisions of sub-section (2) of section 3 of the Act shall not apply to any child who has completed his fifteenth year but has not completed his seventeenth year while such a child is employed or permitted to work in any occupation specified in clause (a) of sub-section (1) of the said section either as an apprentice or for the purpose of receiving vocational training subject to the following conditions:—

(a) the scheme of apprenticeship or vocational training shall have the prior approval of the Central Government, which may consult such organisations of workers and employers as it considers appropriate before according its approval;

- (b) every such child shall be granted a rest period of at least thirteen consecutive hours between two working periods;
- (c) every such child shall be medically examined and found fit for the particular trade; and
- (d) an agreement to this effect shall be signed by the employer or his authorised representative on the one hand and the parent or guardian of the child on the other hand specifying the terms and conditions of apprenticeship.
5. The competent authority may exercise the powers conferred upon it under the second proviso to sub-section (2) of section 3 of the Act in order to avoid serious interference with the ordinary working of the railway, in cases of accident, or in any other emergency which could not have been foreseen or prevented.
6. (1) The register required to be maintained under section 3-D of the Act shall be in Form A appended to these rules.
- (2) The register shall normally be maintained in English, but where it is maintained in any other language than English a true translation thereof in English shall be available.
- (3) The register shall be maintained for a period of three years after the date of the last entry made therein.
7. Every railway administration shall cause to be displayed in a conspicuous and accessible place at every station on its railway a notice containing an abstract of sub-sections (1) and (2) of section 3 and section 4 of the Act, in English and in a language understood by the majority of the persons employed.
8. An Inspector appointed by the Central Government may enter any place where persons are employed in any occupation connected with the transport of passengers, goods or mails on a railway and may take on the spot, or otherwise such evidence of any persons and exercise such other powers of inspection as he may deem necessary for carrying out the purposes of the Act.
9. (1) Any qualified medical practitioner may grant certificates of age in respect of young persons in employment or seeking employment in railways.
- (2) A certificate of age granted under sub-rule (1) shall be in Form B appended to these rules.

FORM 'A'

Register of Children between 15 and 17 years of age

Name and address of employer
and place of work

Serial No.	Name of child	Father's name	Date of birth	Permanent address	Date of joining the establishment	Nature of work on which employed	Daily hours of work	Intervals of rest	Remarks
1	2	3	4	5	6	7	8	9	10

FORM 'B'

Certificate of Age

I hereby certify that I have personally examined (name).....
 daughter of
 living at
 that he/she has completed his/her fifteenth year and his/her age, as nearly
 as can be ascertained from my examination, is.....
 (completed).
 his/her descriptive marks are.....
 my impression of child

.....

Medical Practitioner,

[No. F.Fac.101(14)/55.]

New Delhi, the 25th November 1955

S.R.O. 3601.—[BDS/4/-AM.(6)].—In exercise of the powers conferred by sub-clauses (1) and (3) of clause 4 of the Bombay Dock Workers (Regulation Employment) Scheme, 1951, the Central Government hereby appoints Shri H. G. Grant, a member representing the employers of dock workers and shipping companies, to be a member of the Bombay Dock Labour Board in the vacancy caused by the resignation of Shri G. D. Longhurst and makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1259, dated the 9th April, 1954, namely:—

In the said notification, under the heading "Members representing the employers of dock workers and shipping companies", in item (5), for the name 'Shri G. D. Longhurst', the name "Shri N.H.G. Grant" shall be substituted.

[No. F.FAC.73(69).]

K. N. NAMBIAR, Under Secy.

New Delhi, the 25th November 1955

S.R.O. 3602.—In pursuance of section 8 of the Minimum Wages Act, 1948 (XI of 1948) and rule 3 of the Minimum Wages (Central Advisory Board) Rules, 1949, made under section 29 of the Act, the Central Government hereby nominates Shri L. Kantharaj Urs, Commissioner of Labour, Mysore, to be a member of the Central Advisory Board reconstituted in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 1799 dated the 8th August, 1955, in the vacancy caused by the resignation of Shri Mohamed Rahmathulla, Commissioner of Labour, Mysore, and directs that the following amendment shall be made in the said notification, namely:—

In the said notification, under the heading "Independent Members", for the entry "(13) Shri Mohamed Rahmathulla, Commissioner of Labour, Mysore", the entry "(13) Shri L. Kantharaj Urs, Commissioner of Labour, Mysore", shall be substituted.

[No. LWI-68(13)/54.]

P. D. COMMAR, Under Secy.

New Delhi, the 25th November 1955

S.R.O. 3603.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), and in pursuance of the notification of the Government of India in the Ministry of Labour No. PF.516(49), dated the 3rd February, 1953, the Central Government hereby appoints Shri R. P. Mishra, Labour Commissioner, Madhya Pradesh to be an Inspector for the whole of the State of Madhya Pradesh for the purposes of the said Act and of any Scheme made thereunder, in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. PF-31(146)/55.]

S.R.O. 3604.—In pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour No. P.F.516(49), dated the 3rd February, 1953, the Central Government hereby appoints Shri R. P. Mishra, Labour Commissioner, Madhya Pradesh to be the Regional Provident Fund Commissioner for the whole of the State of Madhya Pradesh to work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. PF-31(146)/55.]

R. C. SAKSENA, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi-2, the 22nd November 1955

S.R.O. 3605.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the film entitled "Johnny Guijar" and its trailer produced by the Republic Pictures U.S.A. shall be deemed to be uncertified films in the whole of India.

[No. 8/23/55-FC.]

ORDER

New Delhi-2, the 1st December 1955

S.R.O. 3606.—In pursuance of clause 2 of the directions issued under the provisions of each of the enactments specified in the First schedule to the Order of the Government of India in the Ministry of Information & Broadcasting No. S.R.O. 945, dated the 28th April, 1955 the Central Government with previous approval of the Film Advisory Board, Bombay hereby certifies the films specified in column 2 of the schedule hereto annexed, in all their language versions, to be of the description specified against each in the corresponding entry of column 5 of the said schedule.

SCHEDULE

S. No.	Title of the Film	Name of the Producer	Source of Supply	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film.
1	2	3	4	5
1.	Indian News Review No. 372.	Government of India, Films Division, Bombay.	Government of India, Films Division, Bombay.	Film dealing with news and current events.
2.	Rights of Man	do.	do.	Documentary film.

[No. 1/16/55-F:App/80.]

D. KRISHNA AYYAR, Under Secy.